

REMARKS

Claims 1-8, 10, 11, 13-15, 17, 18, 20, 21, 23-25 and 28 remain pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

TELEPHONIC INTERVIEW

Applicants' representative, Brent G. Seitz, thanks Examiners Prone and Pellegrino for the courtesies extended during the telephonic interview of July 26, 2006. During the interview, Applicants set forth differences between the pending claims and the cited art. The Examiners agreed to consider the remarks set forth herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-8, 10, 11, 13-15, 17, 18, 20, 21, 23-25, and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,039,764 to Pottenger et al. This rejection is respectfully traversed.

Independent claims 1, 10, 18, and 24 each recite "a first femoral component" and a "second femoral component" having different maximum medial to lateral dimensions.

As set forth in the specification, the first femoral component and the second femoral component are separate implants that are independent of each other. When the claims are read in conjunction with the specification, as they must be, no other proper conclusion is possible.

The general description of the femoral components indicates that the femoral components are separate implants. For example, paragraph [0043] recites, that each

femoral component includes “a first condylar portion 38 and a second condylar portion 40 that provides a first femoral bearing surface 42 and a second femoral bearing surface 44, respectively.” These are features of a typical femoral implant.

Further, paragraph [0066] of the application as filed recites, with reference to Figures 10 and 11 for exemplary purposes only as the invention includes numerous embodiments, “The present invention gives a surgeon the ability to choose a femoral component for a knee joint prosthesis from a variety of different femoral components, such as the CR femoral 32a and 32b, that have a varying M/L dimension and a constant anterior/posterior dimension allowing constant femoral engagement.” As set forth in the specification and as illustrated in the figures, the first femoral component and the second femoral component are two separate implants.

The fact that the first and second femoral components are two distinct implants is also set forth in the dependent claims, which through the doctrine of claim differentiation, further define the independent claims.

For example, dependent Claim 6 recites, “wherein said first femoral component is a first cruciate femoral component and said second femoral component is a second posterior stabilized (PS) femoral component.” Claim 7 recites, “wherein said first femoral component is a first cruciate femoral component and said second femoral component is a second fully constrained femoral component.”

As set forth in the specification, cruciate femoral components, posterior stabilized (PS) femoral components, and fully constrained femoral components are each different implants with different features. A single femoral component or implant cannot be more than one of these implants. For example, paragraphs 39, 43, 53, and 57 and Figure 2

describe and illustrate some of the differences between these different implants. Even if these different types of implants are interpreted broadly, as the Office Action indicates, a single implant cannot be both a cruciate femoral component and a posterior stabilized femoral component or a fully constrained femoral component.

The Pottenger et al. reference includes a single femoral component having a first condyle and a second condyle. The first and second condyles each include an inner condyloid element 210/214 and an outer condyloid element 212/216. The Pottenger et al. reference fails to disclose or suggest two different femoral components/implants that have different medial to lateral dimensions as set forth in independent Claims 1, 10, 18, and 24.

Therefore, the Pottenger et al. reference fails to disclose or suggest each and every feature of independent Claims 1, 10, 18, and 24 and those claims dependent therefrom. Applicants respectfully request reconsideration and withdrawal of this Section 102 rejection.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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